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| 10/750,066 | 12/30/2003 | Gregor K. Frey | 6570P051 | 9114 |
| 45062 | 7590 | 11/12/2008 | | |
| SAP/BSTZ | | | EXAMINER | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP | | | KISS, ERIC B | |
| 1279 OAKMEAD PARKWAY | | | ART UNIT | PAPER NUMBER |
| SUNNYVALE, CA 94085-4040 | | | 2192 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|--------------------------------------|------------------------------------|
| Office Action Summary | Application No. 10/750,066 | Applicant(s) FREY ET AL. |
| | Examiner ERIC B. KISS | Art Unit 2192 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 July 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-41 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 July 2008 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/0256/06)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. The reply filed July 22, 2008, has been received and entered. Claims 1-41 are pending.

Response to Amendment

2. The objection to the drawings is withdrawn in view of the applicant's submission of replacement sheets.

3. The objection to the specification is withdrawn in view of applicant's amendment.

4. The rejection of claims 14-41 under 35 U.S.C. § 101 is withdrawn in view of Applicant's amendments.

5. The rejection of claims 2-4, 10, 11, 13, 15-17, 23, 24, 26, 30-32, 38, 39, and 41 under 35 U.S.C. 112, second paragraph, is withdrawn in view of Applicant's amendments.

Response to Arguments

6. Applicant's arguments filed July 22, 2008, have been fully considered but they are not persuasive.

The examiner maintains that Berry discloses instrumenting services. Specifically, Berry described instrumenting the entry and exit methods of JAVA classes, thus the functional modules or services are the classes of Berry.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-9, 14-22, and 27-37 are rejected under 35 U.S.C. 102(c) as being anticipated by U.S. Patent No. 6,662,359 (Berry et al.).

Regarding claim 1, *Berry et al.* discloses a method for tracing services on an application server comprising:

identifying a group of services executed on an application server (see, e.g., *Berry et al.* at col. 5, line 59, through col. 6, lines 45);

for each service in the group, identifying a group of entry and/or exit methods to be traced, the group of entry/exit methods representing entry and exit points to and from service, respectively (see, e.g., *Berry et al.* at col. 6, line 51, through col. 7, line 17);

modifying the service's bytecode based on the particular group of entry/exit methods specified (see, e.g., *Berry et al.* at col. 6, line 51, through col. 7, line 17);

executing the service (see, e.g., *Berry et al.* at col. 7, lines 44-45); and

registering method invocations of the entry/exit methods (see, e.g., *Berry et al.* at col. 6, lines 55-65).

Regarding claims 2-4, see, e.g., *Berry et al.* at col. 4, line 59, through col. 5, line 47 (describing object-oriented JAVA classes used in a web environment, as received and executed through a web browser or).

Regarding claim 5, *Berry et al.* further discloses modifying the service's bytecode comprises:

inserting a start method invocation prior to each entry/exit method and inserting an end method invocation following each entry/exit method of the group of entry/exit methods (see, e.g., *Berry et al.* at col. 6, line 51, through col. 7, line 17).

Regarding claim 6, *Berry et al.* further discloses registering further comprises: collecting method-related information associated with each of the entry/exit methods responsive to the invocations (see, e.g., *Berry et al.* at col. 6, line 51, through col. 7, line 17).

Regarding claim 7, *Berry et al.* further discloses the method-related information comprises a number [of] times that each method of the set of methods is executed (see, e.g., *Berry et al.* at col. 6, line 51, through col. 7, line 17).

Regarding claim 8, *Berry et al.* further discloses the method-related information comprises input and/or output parameters associated with each method of the set of methods (see, e.g., *Berry et al.* at col. 6, lines 1-16).

Regarding claim 9, *Berry et al.* further discloses the entry/exit methods are entry and exit points between a service and an external system (see, e.g., *Berry et al.* at col. 4, line 59, through col. 5, line 37).

Regarding claims 14-22, these are system/software versions of the claimed methods discussed above (claims 1-9). *Berry et al.* further discloses the use of such systems/software to implement the prescribed methods (see, e.g., *Berry et al.* at col. 14, lines 30-44), and all other limitations have been addressed as set forth above.

Regarding claim 27, *Berry et al.* further discloses: a handler to perform one or more specified output functions on the method invocations and/or the method-related information (see, e.g., *Berry et al.* at col. 6, lines 47-64; col. 10, lines 20-33).

Regarding claim 28, *Berry et al.* further discloses one of the output functions comprises directing the method invocations and/or method-related information to a display (see, e.g., *Berry et al.* at col. 6, lines 47-64; col. 10, lines 20-33).

Regarding claims 29-37, these are article versions of the claimed methods discussed above (claims 1-9). *Berry et al.* further discloses the use of such articles to implement the prescribed methods (*see, e.g., Berry et al.* at col. 14, lines 30-44), and all other limitations have been addressed as set forth above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-13, 23-26, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,662,359 (*Berry et al.*) and U.S. Patent No. 6,857,119 (*Desai*).

Regarding claims 10-13, 23-26, and 38-41, in addition to the disclosure applied above to claims 1, 14, and 29, although *Berry et al.* fails to expressly disclose the entry/exit methods being entry and exit points between a service and an external database or the service being a database connectivity service, *Desai* teaches that, as part of a process for instrumenting service methods, it is known for such methods to interface with a database (*see, e.g., Desai* at col. 19, line 41, through col. 21, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the class/bytocode instrumentation of *Berry et al.* for a known subset of classes, namely classes providing database connectivity services as taught by *Desai*.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric B. Kiss/
Eric B. Kiss
Primary Examiner, Art Unit 2192